

ELIZABETHTOWN BOROUGH COUNCIL
REGULAR MEETING
April 15, 2010
Minutes

The regular meeting of the Elizabethtown Borough Council was held on April 15, 2010 at 9:09 p.m. at the Borough Office. Present were Councilmembers Meade Bierly, Phil Clark, J. Neil Ketchum, Jeff McCloud, Tom Shaud and Dr. C. Dale Treese. Also present were Mayor Chuck Mummert, Manager Roni Ryan, Assistant Manager Cindy Foster and Chief of Police Jack Mentzer.

Council President Clark announced that Council held an Executive Session prior to tonight's meeting to discuss a potential land acquisition matter. No action was taken.

After a motion by Shaud, second by McCloud, minutes of the March 18, 2010 regular meeting and the April 1, 2010 work session were unanimously approved.

Public Comment—None

Special Presentation

Margaret Gabel was to be recognized for 15 years of volunteer service, but due to the lateness of the hour, she was no longer in attendance. It is hoped that Ms. Gabel will return in May to receive her award.

Reports

1. The Financial Report was unanimously approved after a motion by Bierly, second by Ketchum.
2. The Code Enforcement Report was provided as an informational item.
3. The Fire Company responded to total of 47 calls in March, 14 of which were within Borough limits, with an average response time of 3 minutes 13 seconds.
4. Northwest EMS responded to a total of 100 calls in the Borough in March; year-to-date calls in the Borough total 278.

New Business

At the request of Councilors Bierly and Treese, the following item was moved to the beginning of the meeting:

1. Motion by Treese, second by Bierly, to approve Elizabethtown Area School District's (EASD's) conditional use application for East High Street Elementary School Expansion and Athletic Facilities Projects subject to the following conditions:
 - a. Applicant shall join all three lots comprising the Property into a single lot as a part of the first subdivision and land development plan filed with the Borough. Applicant shall record a perimeter deed for the Property within 30 days after the recording of such plan.
 - b. Applicant shall install new pick-up and drop-off areas for parents and school buses at the Elementary School as shown on Sheet 3 of the Conditional Use Plan Elizabethtown Area School District submitted with its application (the "Conditional Use Plan"). Applicant shall install and maintain directional signs to identify the one way traffic flows.

- c. Applicant shall maintain the drive which is located in the front of the East High Elementary School as one way. Applicant shall install and maintain directional signs to indicate this one way traffic pattern.
- d. Applicant shall install a right turn lane at the intersection of East High Street and the High School driveway. Applicant shall complete installation of such right turn lane no later than October 31, 2012, unless Applicant demonstrates that completion of the right turn lane has been delayed by the Pennsylvania Department of Transportation ("PennDOT"). Applicant shall submit an application to PennDOT for a highway occupancy permit to enable the installation of the right turn lane no later than 60 days after Applicant submits a land development plan to the Borough.
- e. Applicant shall install two crosswalks across East High Street, one at each driveway, for the East High Street Elementary School prior to the issuance of a certificate of occupancy for the addition to the East High Street Elementary School. Applicant shall provide a crossing guard for each crosswalk during the times the school day is commencing or ending. The crossing guards shall also be responsible to direct the flow of traffic in and out of the driveways.
- f. If Applicant shall direct children to use or permit children from either the East High Street Elementary School or Bear Creek Elementary School to cross East High Street at the intersection of the pedestrian pathway and East High Street, Applicant shall install a crosswalk at such intersection prior to the issuance of a certificate of occupancy for the addition to the East High Street Elementary School and provide a crossing guard during the times the school day is commencing or ending.
- g. Applicant shall reimburse the Borough for the costs of a traffic study, enactment of an ordinance, and posting of traffic control signs to address traffic and parking issues relating to the Applicant's property which may include, but is not limited to, establishing on street parking prohibitions or limitations along East High Street.
- h. Applicant shall install all planting buffers along East High Street identified as "Screen Planting Detail (Alternate)" on Sheet 5 of the Conditional Use Plan on or before August 31, 2012; provided, however, Applicant obtains any necessary variances from the Borough Zoning Hearing Board to allow the plantings as shown on Sheet 5 of the Conditional Use Plan. If Applicant shall not obtain all necessary variances, Applicant shall revise the Conditional Use Plan to provide planting buffers along all property lines located in the Borough and shall install such planting buffers. Applicant shall maintain all buffer plantings and landscaping relating to the development of the Property in conformance with good nursery and landscape practice.
- i. Applicant shall obtain a variance from the requirements of Section 1516.K of the Zoning Ordinance concerning the installation of screen plantings between parking lots and pedestrian walkways or shall install plantings as required by Section 1516.K.
- j. If Borough Council amends Section 1502.7 of the Zoning Ordinance concerning the expiration date of a conditional use approval, this approval shall be valid for a period of five years from the date of the written decision without Applicant having to make further application to Council for an extension of the approval. If Borough Council amends Section 1502.7 of the Zoning Ordinance, Applicant may make application for further extensions of the approval beyond the five year period which Council may, in its discretion, grant, grant with conditions, or deny. If Borough Council does not amend Section 1502.7 of the Zoning Ordinance, this conditional use approval shall be valid for the maximum time period currently allowed by Section 1502.7 of the Zoning Ordinance, two years from the date of the written decision to obtain a zoning permit and commence construction and three years from the written decision to complete construction if the Applicant has obtained a zoning permit and commenced construction within the two year period.

- k. Applicant shall install a pedestrian pathway to allow pedestrian and bicycle passage from the East High Street Elementary School to the Bear Creek Elementary School on or before August 31, 2011.
- l. Applicant shall work with the Elizabethtown Fair to provide the Elizabethtown Fair with at least 24 months' notice of the date by which the Elizabethtown Fair must cease its use of the Property.
- m. Applicant shall permanently reserve a right-of-way 30 feet in width extending from East High Street to the southern property line along the western property line of the Property to enable the completion of a connector road which will extend from High Street to East College Avenue as shown on the Official Maps of the Borough and Mount Joy Township. If requested by the Borough, Applicant shall prepare a metes and bounds description of the right-of-way. If requested by the Borough, Applicant shall execute all documentation necessary to dedicate such right-of-way to the Borough.
- n. Applicant shall protect all designated floodplain areas during construction activities. Applicant shall install a fence or other delineation to alert contractors to the location of the floodplains when any grading or construction is proposed within ten feet of the floodplain or such greater buffer as may be required by the Department of Environmental Protection.
- o. As part of its land development submission, Applicant shall provide the Borough with specifications for the outdoor lighting which Applicant will install and shall demonstrate that the outdoor lights will not cast glare on adjoining properties or public streets.
- p. Applicant shall extinguish all stadium and athletic facility lighting not more than one hour after the ending of the school day or any event sanctioned by the Applicant which is held on the Property. For the purpose of this Condition, an event sanctioned by the Applicant shall be considered any formally scheduled gathering which is organized by the Applicant or for which the Applicant has granted specific permission including, but not limited to, football games and other athletic events; band concerts; practice sessions for Applicant's athletic teams, bands, etc.; GEARS activities; and community-based athletic group activities.
- q. Applicant shall take all reasonable action to prevent persons from parking cars and/or loitering on the Property in the evenings when no event sanctioned by the Applicant is occurring.
- r. Applicant shall install all storm water management facilities to insure that storm waters are properly detained and drained from the Property which shall address all existing and proposed impervious surface coverage on the Property for all parts of the Property proposed to be developed in each land development plan. Applicant shall enter into a storm water management agreement with the Borough in a form acceptable to the Borough Solicitor.
- s. To the extent not otherwise provided in these Conditions, Applicant shall furnish financial security of the type, in the amount, and at the times required by the MPC unless Borough Council in its discretion elects to waive or modify this requirement.
- t. Applicant shall enter into a land development agreement with the Borough prior to the recording of the final plan for each phase of the development setting forth the responsibilities for the development of the Property and listing required improvements, lands to be dedicated, and contributions to be made to the Borough as identified in these Conditions.
- u. Applicant shall require all contractors to keep existing Borough and state roads free of construction debris, silt, trash, litter, and other impacts of the construction of the Property. If the Borough provides Applicant with written notice that Applicant's contractors are not in compliance with this Condition and Applicant fails to

- immediately require its contractors to comply with this Condition, the Borough may, at the Borough's option, withhold permits for additional construction until Applicant presents the Borough with adequate assurances that Applicant's contractors will comply with this Condition.
- v. Applicant shall at all times comply with and adhere to the evidence presented to Borough Council at the hearing held on April 15, 2010, except to the extent modified by the Conditions imposed herein.
 - w. If, to address issues raised as a result of submission of fully engineered preliminary plans, complete storm water management calculations, or similar matters, Council requires alterations to the plans which create an inconsistency with any of these Conditions, compliance with the requirements of Council at the time of land development approval shall be considered satisfaction of the Condition at issue.
 - x. Applicant shall reimburse the Borough for all reasonable engineering and legal fees incurred in the review of plans under the Zoning Ordinance, Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other governing ordinance; all costs associated with the conditional use hearing; review or preparation of documentation required in connection with the development; review and approval of financial security and other documentation; inspection of improvements; and for other costs as set forth in these Conditions within 30 days after receipt of an invoice for such fees. If Applicant fails to pay such costs within 30 days after the date of a written invoice for such costs, Applicant shall be in violation of this Condition.
 - y. Applicant shall obtain all permits and approvals required by the Zoning Ordinance, the Subdivision and Land Development Ordinance, and all other applicable Borough ordinances, regulations and specifications and by all county, state and federal laws and regulations relating to the development of the Property, as and when required.
 - z. Nothing contained in this Decision shall be deemed to relieve Applicant from complying with all other applicable local, county, state, and federal laws and regulations.
 - aa. Applicant shall reference these Conditions or include recording information if these conditions are recorded as a separate document as General Notes on all final subdivisions and/or land development plans for the Property or any phase or part thereof.
 - bb. Any violation of the Conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the MPC and in the Zoning Ordinance. In addition, the Borough may refuse to issue any permit or grant any approval necessary to further improve or develop the Property in the event of the violation of or failure to comply with any Condition contained in this Decision.
 - cc. The Conditions set forth in this Decision shall be binding upon the Applicant and any other entity having an interest in the Property now or at any time in the future.
 - dd. The Conditions contained in this Decision shall not be deemed to limit, restrict, diminish, impair or otherwise affect any statutory, administrative or common law rights or remedies either at law or in equity which any person or entity, including the Borough, may have as a result of the development or use of the Property.
 - ee. The Borough may cause this Decision, or a suitable memorandum thereof, to be recorded in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, indexed against Applicant as grantor and in favor of the Borough as grantee. Applicant shall execute and acknowledge such documents as are necessary to permit such recording and indexing, and the Borough shall not be required to issue any permits or approvals until such documents are executed, acknowledged, and recorded if Applicant is requested to do so.

Motion carried unanimously.

Old Business

1. Motion by Treese, second by Shaud, to adopt Ordinance No. 916 amending the Intermunicipal Agreement among Elizabethtown Borough, Mt. Joy Township, Mt. Joy Township Authority, and Elizabethtown Area Regional Authority relative to the Wastewater Treatment Plant and conveyance facilities. Motion unanimously approved by roll call vote.
2. Motion by Bierly, second by Treese, to adopt Ordinance No. 917 amending the Intermunicipal Agreement among Elizabethtown Borough, West Donegal Township, West Donegal Township Authority, and Elizabethtown Area Regional Authority relative to the Wastewater Treatment Plant and conveyance facilities. Motion unanimously approved by roll call vote.

New Business (continued)

2. Motion by Shaud, second by Treese, to approve Resolution No. 2010-5 in support of a 2010 Urban Enhancement Fund Grant from Lancaster County in the amount of \$250,000 for Phase III of the Borough's Pedestrian Pathway Project. Motion carried unanimously.
3. Motion by Treese, second by McCloud, to authorize advertisement of an Ordinance amending certain sections of Chapter 15, Motor Vehicles and Traffic, Part 9, Snow and Ice Emergency, of the Borough Code of the Borough of Elizabethtown. Motion carried unanimously.
4. Motion by Bierly, second by Shaud, to authorize advertisement of an Ordinance dissolving the Elizabethtown Area Park Authority (EAPA). Motion carried unanimously.
5. Motion by Bierly, second by Treese, to approve a site characterization study and environmental assessment proposal from Rettew Associates in the amount of \$81,734 for the West College Avenue project. Motion carried unanimously.
6. Motion by Shaud, second by McCloud, to approve Requisition 2010-4 dated April 9, 2010 for the Elizabethtown Train Station Rehabilitation Project in the amount of \$340,095.90 payable to Lobar, Inc. Motion carried unanimously.
7. Motion by Bierly, second by McCloud, to adopt Ordinance No. 918 authorizing General Obligation Bond Series A, B, and C of 2010 for the total principal amount of \$6.5 million for the Train Station Rehabilitation Project and Phases I and II of the West College Avenue Project. Motion unanimously approved by roll call vote.

Bills Payable

Motion by McCloud, second by Shaud, to pay the bills as presented:

General Fund.....	\$102,429.58
Sewer Fund	\$69,793.48
Capital Reserve Fund	\$19,979.11
Subdivision Escrow Fund	\$730.13
Parks & Recreation Fund	\$454.00

Motion carried unanimously.

Borough Manager Remarks—None

Mayor Remarks

Mayor Mummert reported that he recently attended the Freedom Salute Ceremony at the Army National Guard and expressed his high regard for the people honored at this ceremony. Mayor Mummert also noted that Little League will start on Saturday at South Poplar Street.

Council Remarks

Councilmember Treese expressed his wish that Ms. Gabel come back in May to receive her service award. Councilmember McCloud reported his son is participating in Little League and noted it is great to watch these kids play. Council President Clark concluded by thanking everyone for staying through such a long evening and noted he felt it an honor and privilege to be a part of making these important decisions for the Borough.

After motion by Bierly, second by Shaud, the meeting was unanimously adjourned at 9:34 p.m.